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**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

MICHAEL BRANG, INDIVIDUALLY AND) Case No.
 ON BEHALF OF ALL OTHERS)
 SIMILARLY SITUATED,)

CLASS ACTION

Plaintiff,

COMPLAINT FOR VIOLATIONS OF:

vs.

1. NEGLIGENT VIOLATIONS OF
 THE TELEPHONE CONSUMER
 PROTECTION ACT [47 U.S.C.
 §227 ET SEQ.]
2. WILLFUL VIOLATIONS OF
 THE TELEPHONE CONSUMER
 PROTECTION ACT [47 U.S.C.
 §227 ET SEQ.]

RMS- RECOVERY MANAGEMENT
 SERVICES, INC., AND DOES 1 THROUGH
 10, INCLUSIVE, AND EACH OF THEM,

Defendants.

DEMAND FOR JURY TRIAL

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1 Plaintiff, MICHAEL BRANG (“Plaintiff”), on behalf of himself and all others similarly
2 situated, allege the following upon information and belief based upon personal knowledge:

3 **NATURE OF THE CASE**

4 1. Plaintiff brings this action for himself and others similarly situated seeking
5 damages and any other available legal or equitable remedies resulting from the illegal actions
6 of RMS- RECOVERY MANAGEMENT SERVICES, INC., (“Defendant”), in negligently,
7 knowingly, and/or willfully contacting Plaintiff on Plaintiff’ cellular telephone in violation of
8 the Telephone Consumer Protection Act, 47. U.S.C. § 227 *et seq.* (“TCPA”), thereby invading
9 Plaintiff’ privacy.

10 **JURISDICTION & VENUE**

11 2. Jurisdiction is proper under 28 U.S.C. § 1332(d)(2) because Plaintiff, a resident
12 of the city of Simi Valley, Ventura county, California, seeks relief on behalf of a Class, which
13 will result in at least one class member belonging to a different state than that of Defendant, a
14 company with its principal place of business and State of Incorporation in California state.
15 Plaintiff also seeks up to \$1,500.00 in damages for each call in violation of the TCPA, which,
16 when aggregated among a proposed class in the thousands, exceeds the \$5,000,000.00
17 threshold for federal court jurisdiction. Therefore, both diversity jurisdiction and the damages
18 threshold under the Class Action Fairness Act of 2005 (“CAFA”) are present, and this Court
19 has jurisdiction.

20 3. Venue is proper in the United States District Court for the Central District of
21 California pursuant to 18 U.S.C. 1391(b) and 18 U.S.C. § 1441(a) because Defendant does
22 business within the state of California and the county of Los Angeles.

23 **PARTIES**

24 4. Plaintiff, MICHAEL BRANG (“Plaintiff”), is a natural person residing in
25 California and is a “person” as defined by 47 U.S.C. § 153 (10).

26 5. Defendant, RMS- RECOVERY MANAGEMENT SERVICES, INC.,
27 (“Defendant”), is a leader in the consumer debt recovery industry and is a “person” as defined
28 by 47 U.S.C. § 153 (10).

1 telephone number to Defendant within the four years prior to the filing of this Complaint.

2 23. Defendant, its employees and agents are excluded from The Class. Plaintiff
3 does not know the number of members in The Class, but believes the Class members number in
4 the thousands, if not more. Thus, this matter should be certified as a Class Action to assist in
5 the expeditious litigation of the matter.

6 24. The Class is so numerous that the individual joinder of all of its members is
7 impractical. While the exact number and identities of The Class members are unknown to
8 Plaintiff at this time and can only be ascertained through appropriate discovery, Plaintiff is
9 informed and believes and thereon alleges that The Class includes thousands of members.
10 Plaintiff alleges that The Class members may be ascertained by the records maintained by
11 Defendant.

12 25. Plaintiff and members of The Class were harmed by the acts of Defendant in at
13 least the following ways: Defendant illegally contacted Plaintiff and Class members via their
14 cellular telephones thereby causing Plaintiff and Class members to incur certain charges or
15 reduced telephone time for which Plaintiff and Class members had previously paid by having to
16 retrieve or administer messages left by Defendant during those illegal calls, and invading the
17 privacy of said Plaintiff and Class members.

18 26. Common questions of fact and law exist as to all members of The Class which
19 predominate over any questions affecting only individual members of The Class. These
20 common legal and factual questions, which do not vary between Class members, and which
21 may be determined without reference to the individual circumstances of any Class members,
22 include, but are not limited to, the following:

- 23 a. Whether, within the four years prior to the filing of this Complaint,
24 Defendant made any collection call (other than a call made for
25 emergency purposes or made with the prior express consent of the called
26 party) to a Class member using any automatic telephone dialing system
27 or an artificial or prerecorded voice to any telephone number assigned to
28 a cellular telephone service;

1 b. Whether Plaintiff and the Class members were damages thereby, and
2 the extent of damages for such violation; and

3 c. Whether Defendant should be enjoined from engaging in such conduct in
4 the future.

5 27. As a person that received numerous collection calls from Defendant using an
6 automatic telephone dialing system or an artificial or prerecorded voice, without Plaintiff' prior
7 express consent, Plaintiff are asserting claims that are typical of The Class.

8 28. Plaintiff will fairly and adequately protect the interests of the members of The
9 Class. Plaintiff has retained attorneys experienced in the prosecution of class actions.

10 29. A class action is superior to other available methods of fair and efficient
11 adjudication of the controversy, since individual litigation of the claims of all Class members is
12 impracticable. Even if every Class member could afford individual litigation, the court system
13 could not. It would be unduly burdensome to the courts in which individual litigation of
14 numerous issues would proceed. Individualized litigation would also present the potential for
15 varying, inconsistent, or contradictory judgments and would magnify the delay and expense to
16 all parties and to the court system resulting from multiple trials of the same complex factual
17 issues. By contrast, the conduct of this action as a class action presents fewer management
18 difficulties, conserves the resources of the parties and of the court system, and protects the
19 rights of each Class member.

20 30. The prosecution of separate actions by individual Class members would create a
21 risk of adjudications with respect to them that would, as a practical matter, be dispositive of the
22 interests of the this Class members not parties to such adjudications or that would substantially
23 impair or impede the ability of such non-party Class members to protect their interests.

24 31. Defendant has acted or refused to act in respects generally applicable to The
25 Class, thereby making appropriate final and injunctive relief with regard to the members of the
26 California Class as a whole.

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1 **FIRST CAUSE OF ACTION**

2 **Negligent Violations of the Telephone Consumer Protection Act**

3 **47 U.S.C. §227 et seq.**

4 32. Plaintiff repeats and incorporates by reference into this cause of action the
5 allegations set forth above at Paragraphs 1-33.

6 33. The foregoing acts and omissions of Defendant constitute numerous and
7 multiple negligent violations of the TCPA, including but not limited to each and every one of
8 the above cited provisions of 47 U.S.C. § 227 et seq.

9 34. As a result of Defendant's negligent violations of 47 U.S.C. § 227 et seq.,
10 Plaintiff and the Class Members are entitled an award of \$500.00 in statutory damages, for
11 each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).

12 35. Plaintiff and the Class members are also entitled to and seek injunctive relief
13 prohibiting such conduct in the future.

14 **SECOND CAUSE OF ACTION**

15 **Knowing and/or Willful Violations of the Telephone Consumer Protection Act**

16 **47 U.S.C. §227 et seq.**

17 (Against All Defendants)

18 36. Plaintiff repeats and incorporates by reference into this cause of action the
19 allegations set forth above at Paragraphs 1-37.

20 37. The foregoing acts and omissions of Defendant constitute numerous and
21 multiple knowing and/or willful violations of the TCPA, including but not limited to each and
22 every one of the above cited provisions of 47 U.S.C. § 227 et seq.

23 38. As a result of Defendant's knowing and/or willful violations of 47 U.S.C. § 227
24 et seq., Plaintiff and the Class members are entitled an award of \$1,500.00 in statutory
25 damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. §
26 227(b)(3)(C).

27 39. Plaintiff and the Class members are also entitled to and seek injunctive relief
28 prohibiting such conduct in the future.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff requests judgment against Defendant for the following:

3 **FIRST CAUSE OF ACTION**

4 **Negligent Violations of the Telephone Consumer Protection Act**

5 **47 U.S.C. §227 et seq.**

- 6 • As a result of Defendant's negligent violations of 47 U.S.C. § 227(b)(1),
7 Plaintiff and the Class members are entitled to and request \$500 in statutory
8 damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).
9 • Any and all other relief that the Court deems just and proper.

10 **SECOND CAUSE OF ACTION**

11 **Knowing and/or Willful Violations of the Telephone Consumer Protection Act**

12 **47 U.S.C. §227 et seq.**

- 13 • As a result of Defendant's willful and/or knowing violations of 47 U.S.C. §
14 227(b)(1), Plaintiff and the Class members are entitled to and request treble
15 damages, as provided by statute, up to \$1,500, for each and every violation,
16 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).
17 • Any and all other relief that the Court deems just and proper.

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19 Dated: February 25, 2016

LAW OFFICES OF TODD M. FRIEDMAN, P.C.

20
21 By: 

22 Todd M. Friedman, Esq.
23 Arvin Ratanavongse, Esq.
24 Attorneys for Plaintiff
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